

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

KARL ROCKWELL,

Plaintiff,

v.

SALLY RANDALL, QUITMAN KEENER,
BRAD FOSDICK,

Defendants.

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CIVIL ACTION NO. 5:19-CV-00066-RWS

ORDER

The Plaintiff Karl Rockwell, a former inmate of the Texas Department of Criminal Justice, Correctional Institutions Division proceeding *pro se*, filed this civil rights lawsuit under 42 U.S.C. § 1983 complaining of alleged violations of his constitutional rights. This Court referred the case to the United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges.

The Magistrate Judge ordered Plaintiff to file an amended complaint setting out a short and plain statement of his claims. By separate order, the Magistrate Judge directed Plaintiff to pay the statutory filing fee or submit a proper application for leave to proceed *in forma pauperis*. These orders were returned as undeliverable, with a notation stating Plaintiff had been discharged.

The Magistrate Judge thereupon issued a Report recommending the lawsuit be dismissed without prejudice for failure to prosecute. The Magistrate Judge also recommended the statute of limitations be suspended for 90 days following the date of entry of final judgment.

A copy of this Report was sent to Plaintiff at his last known address, return receipt requested, but was returned as undeliverable because the Plaintiff had been discharged. Texas Department of Criminal Justice records show Plaintiff was released on January 3, 2020. He has not contacted the Court in any way since that date.

Because no timely objections were filed to the Report of the Magistrate Judge, Plaintiff is barred from *de novo* review by the District Judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to factual findings and legal conclusions accepted and adopted by the District Court. *Douglass v. United Services Automobile Association*, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*).

The Court has reviewed the pleadings in this cause and the Report of the Magistrate Judge. Upon such review, the Court has determined that the Report of the Magistrate Judge is correct. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918, 109 S.Ct. 3243 (1989) (where no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law."). It is accordingly

ORDERED that the Report of the Magistrate Judge (Docket No. 10) is **ADOPTED** as the opinion of the District Court. It is further

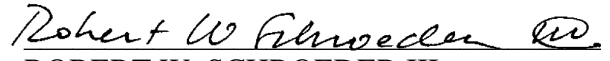
ORDERED that the above-styled civil action is **DISMISSED WITHOUT PREJUDICE** for failure to prosecute or to obey an order of the Court. It is further

ORDERED that the statute of limitations on the claims raised in this lawsuit is **SUSPENDED** for a period of ninety (90) days following the date of entry of final judgment in this case. This suspension of the limitation period affects only those claims which were not barred by limitations as of the date the original complaint was signed, on May 15, 2019. Finally, it is

ORDERED that any and all motions which may be pending in this action are hereby

DENIED.

So ORDERED and SIGNED this 23rd day of September, 2020.


ROBERT W. SCHROEDER III
UNITED STATES DISTRICT JUDGE